

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Case No. 07-20411  
HON. GEORGE CARAM STEEH

vs.

TONY JAMAL LEE, D-1,

Defendant.

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ORDER DENYING DEFENDANT LEE'S MOTION FOR  
REDUCTION OF SENTENCE PURSUANT TO 18 U.S.C. § 3582(c)(2)

Defendant Lee has moved for reduction of his sentence under 18 U.S.C. § 3582(c)(2). In that motion, he asserts that he is entitled to such a reduction under the 2010 Fair Sentencing Act's amendment to the sentencing guidelines for crack cocaine offenses.

When Lee was sentenced in May 2010, the base offense level of 34, which the court applied to him, required findings of at least 500 grams but less than 1.5 kilograms of crack cocaine. That guideline was amended in 2010 to require at least 840 grams but less than 2.8 kilograms of crack cocaine. See U.S.S.G. § 2D1.1(c)(3).

While Lee argues that the court found him responsible for only 800 grams of crack cocaine, and that his sentence is thus affected by the amendment, this argument is not accurate. A conservative examination of the sentencing transcript--specifically of the court's consideration of co-defendant Hayes's statements as to various experiences with defendant Lee--demonstrates that the court made specific findings as to 630 grams, 70 grams, and 168 grams of crack cocaine. (Doc. # 244-2 at 8-9.) These three amounts

alone total 868 grams of crack cocaine, which the court stated it would “add...to the calculation.” (Id. at 10.) The court acknowledges the government’s position that the court “found defendant Lee responsible for well over 2,000 grams of crack cocaine.” (Doc. # 244 at 8.) While this may be true, the court’s limited review above is sufficient for a determination of this motion. Because the new guideline requires at least 840 grams but less than 2.8 kilograms of crack cocaine for a base offense level of 34 to apply, and the conservative reading of the transcript described by the court above demonstrates it made clear findings as to 868 grams, Lee cannot succeed on his motion.

Accordingly, Lee’s motion for reduction of sentence is **DENIED**.

**IT IS SO ORDERED.**

Dated: August 30, 2013

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 30, 2013, by electronic and/or ordinary mail and also on Tony Jamal Lee #42176-039, FCI Ashland, P.O. Box 6001, Ashland, KY 41105

s/Barbara Radke  
Deputy Clerk